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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PARSLEY, DAVID J	
ART UNIT	PAPER NUMBER
3643	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/554,391	BRIEL, HERMANN	
	Examiner	Art Unit	
	DAVID J. PARSLEY	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *27-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *27-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 October 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-15-08 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 42-43, 47-48, 52 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,657,768 to Snowden.

Referring to claim 42, Snowden discloses a method for scalding slaughter animals including a scalding tunnel for slaughter animals, with steam discharging nozzles - at 70-72, mounted directly in the scalding tunnel - see figure 3, and along a path of conveyance of the slaughter animals - see figure 3, the nozzles are multicomponent nozzles with at least one

connection for steam and one connection for water – at 46 and column 5 lines 17-33, whereby the nozzles discharge a mixture of steam and water that is sprayed therein and directly supplied to each of the nozzles – see figure 3 and column 5 lines 17-33, the water being mixed with the steam before spraying – see column 5, wherein the mixture of steam and water is formed by aspirating water into a flow of steam to form a water aerosol in each of the stationary nozzles - see figure 3 and column 5, each of the nozzles arranged in a base area of the scalding tunnel – see figures 2-3, in such a way that an atmosphere present in the scalding tunnel is circulated and the mixture of steam and water discharged from the nozzles is directed opposite to the direction of conveyance - see figures 1-3 and column 5.

Referring to claims 43 and 52, Snowden further discloses the mixture supplied to the nozzles is supersaturated - see columns 4-6.

Referring to claim 47, Snowden further discloses the mixture sprayed through the multicomponent nozzles and striking the animals is at a temperature between 55 and 70 degrees Celsius - see column 6 lines 10-35.

Referring to claim 48, Snowden further discloses the multicomponent nozzles are arranged in the scalding tunnel in such a way that a circulation of the atmosphere present in the scalding tunnel is effected to such a degree that homogenous or substantially homogenous humidity conditions prevail in the scalding tunnel - see columns 4-6.

Referring to claim 54, Snowden discloses the nozzles are supplied with water at between 20 and 70 degrees Celsius – see column 6 lines 1-35.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 27-35, 37, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden in view of U.S. Patent No. 5,928,074 to Schrader et al.

Referring to claim 27, Snowden discloses a scalding tunnel for slaughter animals, comprising a tunnel – at 10, disposed therein along a path of conveyance for the slaughtered animals, a plurality of steam discharging nozzles - at 70-72, mounted in the scalding tunnel - see figure 3, and along a path of conveyance of the slaughter animals - see figure 3, the nozzles are multicomponent nozzles with at least one connection for steam and one connection for water – at 46 and column 5 lines 17-33, whereby the nozzles discharge a mixture of steam and water that is sprayed therein – see figures 1-3 and column 5 lines 17-33. Snowden further discloses the nozzles – at 70-72 are stationary – see figures 2-3, and the nozzle – at 46,70-72 and the water connection not shown but described in column 5, comprising a first opening – in an end of 46, for steam connected with an annular space within the housing of the nozzle – inside 46, the annular space surrounding a flow channel - opening/structure for the introduction of water into item 46 not shown but described in column 5, connected with a second opening for water - not shown but described in column 5, the flow channel having an opening by which water is aspirated into a flow of steam passing the second opening - see figures 2-3 and column 5,

whereby the water forms an aerosol which is sprayed with the steam - see figures 2-3 and column 5. Snowden does not disclose nozzles having means for connection to multiple fluid sources. Schrader et al. does disclose a nozzle - at 32-36, having multiple means - see at 24,26 and the connections of 24,26 to 32-36, for connection to multiple fluid sources - see figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Snowden and add the nozzle with multiple fluid connections of Schrader et al., so as to allow for different mixtures of application fluid to be used with the device.

Referring to claim 28, Snowden as modified by Schrader et al. further discloses the multicomponent nozzles are arranged in the scalding tunnel in such a way that atmosphere present in the scalding tunnel is circulated - see figure 3 of Snowden.

Referring to claim 29, Snowden as modified by Schrader further discloses the multicomponent nozzles are arranged substantially in a base area of the scalding tunnel - see figure 3 of Snowden.

Referring to claim 30, Snowden as modified by Schrader et al. further discloses the multicomponent nozzles are oriented in such a way that their discharge jets are directed with a substantial component longitudinally of the scalding tunnel - see figure 3 of Snowden.

Referring to claim 31, Snowden as modified by Schrader et al. further discloses one part of the multicomponent nozzles is directed with spraying in the direction of the conveyance of the slaughter animals in the scalding tunnel – see at 70,72 and 162 in figures 3 and 7 of Snowden, and another part of the multicomponent nozzles is directed with spraying opposite to the direction of conveyance of the slaughter animals in the scalding tunnel - see at 70-72 and 162 in figures 3 and 7 of Snowden.

Referring to claim 32, Snowden as modified by Schrader et al. further discloses in plan view the multicomponent nozzles are arranged on one longitudinal side of the scalding tunnel - see figure 3 of Snowden.

Referring to claim 33, Snowden as modified by Schrader et al. further discloses a volume control is provided for the amount of steam supplied to the multicomponent nozzles - the pipes carrying the steam - see figure 3 of Snowden.

Referring to claim 34, Snowden as modified by Schrader et al. further discloses a volume control is provided for the amount of water supplied to the multicomponent nozzles - the pipes carrying the water - see figure 3 of Snowden.

Referring to claim 35, Snowden as modified by Schrader et al. further discloses a control valve provided for the amount of steam supplied to at least one multicomponent nozzles – see figure 11 of U.S. Patent No. 3,631,563 to Snowden referenced in column 4 lines 18-28 and the multicomponent nozzles are included in the temperature control – see figure 3 of Snowden.

Referring to claim 37, Snowden as modified by Schrader et al. further discloses all of the multi-component nozzles are connected to the control valve - see figure 11 of U.S. Patent 3,631,563.

Referring to claim 39, Snowden as modified by Schrader et al. further discloses the multicomponent nozzle is a dual component nozzle – see figure 3 and column 5 lines 17-33 of Snowden.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden as modified by Schrader et al. as applied to claim 35 above, and further in view of U.S. Patent No. 6,019,033 to Wilson et al.

Referring to claim 36, Snowden as modified by Schrader et al. does not disclose not all of the nozzles are connected to the control valve. Wilson et al. does disclose not all of the nozzles – at 74, are connected to the control valve – at 70 – see figure 4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Snowden as modified by Schrader et al. and add not all of the nozzles are connected to the valve of Wilson et al., so as allow for the flow of fluid to the nozzles to be more accurately controlled.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden as modified by Schrader et al. as applied to claim 27 above, and further in view of U.S. Patent No. 5,326,308 to Norrie.

Referring to claim 38, Snowden as modified by Schrader et al. does not disclose the scalding tunnel is designed without ventilation for circulating its internal atmosphere. Norrie dose disclose a scalding tunnel designed without ventilation for circulating its internal atmosphere - see figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Snowden as modified by Schrader et al. and add the no ventilators of Norrie, so as to allow for the direction of the sprayed substances to be better controlled during use.

Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden as modified by Schrader et al. as applied to claim 27 above, and further in view of the embodiment of figure 11 of Snowden.

Referring to claims 40-41, Snowden as modified by Schrader et al. does not disclose the multicomponent nozzle is oriented to the horizontal in such a way that its direction of longitudinal discharge, relative to the horizontal describes an angle between 5 and 15 degrees

and an angle relative to the vertical of between 30 to 50 degrees. The embodiment of figure 11 of Snowden discloses a movable nozzle that can be moved into the positions with respect to the horizontal and vertical – see figure 11 and column 9 lines 47-70. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Snowden and add the movable nozzle of the embodiment of figure 11 of Snowden as modified by Schrader et al., so as to allow for the device to be used on animals of differing sizes and orientations.

Claims 44-46 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden as applied to claim 42 above, and further in view of U.S. Patent No. 6,019,033 to Wilson et al.

Referring to claim 44, Snowden does not disclose the temperature of the sprayed mixture is above 100 degrees Celsius. Wilson et al. does disclose the temperature of the steam mixture is above 100 degrees Celsius – see column 7 lines 35-45. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Snowden and add the temperature of the mixture being above 100 degrees Celsius of Wilson et al., so as to allow for the device to properly decontaminate the carcass.

Referring to claims 45-46 and 51, Snowden does not disclose the temperature of the sprayed mixture is above 120 to 160 degrees Celsius. Wilson et al. does disclose the temperature of the steam mixture is above 100 degrees Celsius – see column 7 lines 35-45. Snowden as modified by Wilson et al. does not disclose the temperature is specifically between 120 and 160 degrees Celsius. However, it would have been obvious to one of ordinary skill in the art to take the device of Snowden as modified by Wilson et al. and add the temperature of the mixture being

between 120 and 160 degrees Celsius, so as to allow for the device to properly decontaminate the carcass.

Claims 49 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden as applied to claim 42 above, and further in view of U.S. Patent No. 5,326,308 to Norrie.

Referring to claim 49, Snowden does not disclose the scalding tunnel is designed without ventilation for circulating its internal atmosphere. Norrie dose disclose a scalding tunnel designed without ventilation for circulating its internal atmosphere - see figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Snowden and add the no ventilators of Norrie, so as to allow for the direction of the sprayed substances to be better controlled during use.

Referring to claim 55, Snowden does not disclose the slaughtered animals are pigs or goats. Norrie does disclose the slaughtered animals are pigs or goats – see at C in figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Snowden and add the slaughtered animals being pigs or goats of Norrie, so as to allow for the device to be used on different animals.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden as applied to claim 42 above.

Referring to claim 50, Snowden does not specifically disclose the steam is supplied to the nozzles at between 2 and 6 bars. However, it would have been obvious to one of ordinary skill in the art to take the device of Snowden and add the pressure of the steam supplied to the nozzles

being between 2 and 6 bars, so as to allow for the device to be have enough pressure to force the steam out of the nozzles in a spray pattern.

Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snowden as applied to claim 42 above.

Referring to claim 53, Snowden does not disclose the water supplied to the nozzles is at 0.2 bar. However, it would have been obvious to one of ordinary skill in the art to take the device of Snowden and add the water pressure of 0.2 bars, so as to ensure that the water is at sufficient pressure to be sprayed from the nozzles.

Response to Arguments

4. Regarding claims 27-41, the Snowden reference US 3657768 discloses the newly added claim limitations of the nozzles – at 70-72 are stationary – see figures 2-3, and the nozzle – at 46,70-72 and the water connection not shown but described in column 5, comprising a first opening – in an end of 46, for steam connected with an annular space within the housing of the nozzle – inside 46, the annular space surrounding a flow channel - opening/structure for the introduction of water into item 46 not shown but described in column 5, connected with a second opening for water - not shown but described in column 5, the flow channel having an opening by which water is aspirated into a flow of steam passing the second opening - see figures 2-3 and column 5, whereby the water forms an aerosol which is sprayed with the steam - see figures 2-3 and column 5.

Regarding claims 42-54, the Snowden reference discloses the newly added claim limitations of the water being mixed with the steam before spraying – see column 5, wherein the mixture of steam and water is formed by aspirating water into a flow of steam to form a water aerosol in each of the stationary nozzles - see figure 3 and column 5, each of the nozzles arranged in a base area of the scalding tunnel – see figures 2-3, in such a way that an atmosphere present in the scalding tunnel is circulated and the mixture of steam and water discharged from the nozzles is directed opposite to the direction of conveyance - see figures 1-3 and column 5.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. PARSLEY whose telephone number is (571)272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David J Parsley/
Primary Examiner, Art Unit 3643